

Clifford H. Greene (CG 9892)

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Index No. 07 Civ 3460

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TRUSTEES OF THE WESTCHESTER PUTNAM
COUNTIES LABORERS' LOCAL NO. 60 HEAVY &
HIGHWAY BENEFIT FUNDS, WELFARE, PENSION,
ANNUITY, EDUCATION & TRAINING, LEGAL
SERVICES, INDUSTRY ADVANCEMENT AND
POLITICAL ACTION FUNDS AND THE LABORERS'
INTERNATIONAL UNION OF NORTH AMERICA
NO.60,

Plaintiffs,

-against-

ANSWER

PERSICO CONTRACTING & TRUCKING
INC,

Defendant.

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Defendant by its undersigned counsel, answers Plaintiffs, Trustees of the Westchester Putnam Counties Laborers' Local No. 60 Heavy & Highway Benefit Funds, Welfare, Pension, Annuity, Education & Training, Legal Services, Industry Advancement and Political action Funds and the Laborers' International Union of North America Local No. 60 (Collectively referred to herein as "Plaintiffs") Summons and Complaint, as follows:

1. Defendant states that it lacks the knowledge or information sufficient to form a

belief as to the truth of the allegations contained in Paragraphs "1 - 10", "12", "13", "18", "21",
23" and "28-29

", of the Plaintiffs Summons and Complaint.

2. Plaintiff admits the allegations contained in the Paragraph "11" of the
Plaintiff's
Summons and Complaint.

3. Defendant denies the allegations contained in Paragraphs "14-17", "19", "22",
"24-26" and "30-35" of the Plaintiffs' Summons and Complaint

DEFENDANT'S FIRST AFFIRMATIVE DEFENSE

4. Lack of consideration.

WHEREFORE, Persico demands judgment in its favor and against Plaintiff as follows:

1. Dismissing the Plaintiff's causes of action in their entirety;

1. Such other and further relief as to this Court seems just and proper including but not limited to interest, costs, expenses associated with prosecuting this action, including but not limited to attorneys fees.

Dated: May 29, 2007
New Rochelle, New York

/s/

Clifford H. Greene
CLIFFORD H. GREENE &

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